

FREDERICK COUNTY LIQUOR BOARD
Public Meeting Minutes
Monday, October 3, 2016

Those Present: Mr. Rick Stup, Chairman
 Mr. Jesse Pippy, Board Member
 Mrs. Kathy V. Dean, Administrator
 Mrs. Linda Thall, Senior Assistant County Attorney
 Mr. Harold DeLauter, Alcoholic Bev. Inspector
 Mr. Bob Shrum, Alcoholic Bev. Inspector
 Mrs. Penny Bussard, Administrative Specialist V
 Mrs. Ashley Sklarew, Administrative Specialist V

A Public Meeting was held at 12 E. Church Street, Frederick, Maryland, and was called to order at 9:03 AM by Chairman Stup.

1. Mr. Stup stated that Mrs. Hays is on vacation and will not be at the public meeting.
2. Mrs. Dean provided the violation update, there are ten violations that have been on the list, and one violation that staff is waiting for the report so the letter can be forwarded to Mrs. Thall for a hearing. The rest of the violation notices have been sent. All No Contest letters have been mailed out. Mrs. Dean just received a report for another violation on Friday. Mrs. Dean stated the last violation may be scheduled for October 24, 2016. Mr. Stup stated there are three violation cases scheduled for October 24, 2016. Mrs. Dean stated that no contest letters give 30 days to respond to the letter, when establishments don't respond in 30 days they are automatically set up for a public hearing.

3. Revision to Administrative Fee-Specials

Mr. Stup stated this is particular to One-Day Special licenses. The administrative fee charged above the cost of specific licenses, renewals or applications/request. This administrative fee would be a late filing fee for Special licenses, which has become an issue. Mrs. Dean stated there have been problems with applications being submitted late. The Board requires a two week notice. Currently the fee is a \$25 fee. Mr. Stup stated the Board has a small staff with a lot of work. The Board and its staff try to do as much outreach to licensees as possible. When an item comes in last minute, staff has to stop their scheduled work to process these applications, they also have to track down the Board Members for voting on the event and reach out to our partner agencies that must approve the application. Mr. Stup stated it has gotten to the point that late applications are tying staffs hands. Mrs. Dean stated that there have been an extremely high numbers of Specials just this year alone. We have issued about 320 Specials so far this calendar year alone. Mrs. Dean continued to state some of the events are much larger events which requires more time to get everything resolved. Mr. Pippy stated the Board has always made themselves available to answer emails all day long. Regardless if the event is scheduled for the next day

or two weeks away the Board and staff still needs to do the same amount of work to ensure public safety, fencing, wrist bands, underage drinking and etc. Mr. Pippy stated that an event has never been turned down because of timing purposes. The events have been approved. Currently there is a \$25 late fee if the application comes in less than two weeks before the event. This fee has not been enforced. The purpose of this conversation is should the late fee be raised or should it stay the same and be enforced. Mr. Pippy stated adding the language to the form stating a late fee will have to be assessed if the paperwork is turned in less than two weeks prior to the event. Mr. Stup stated he had email from Mrs. Hays in support of enforcing the \$25 late fee. Mr. Stup agrees to start enforcing the \$25 late fee and in a period of time seeing if this fee will help reduce the number of applications that come in late.

4. Decision Required: Upgrade Application

RE: Richard Cooper, Deborah Cooper and Dale Adams
for the use of RDC Food's Inc
t/a Jefferson Market
3703 Jefferson Pike
Jefferson, Maryland 21755
**Upgrade to
Class A, Off Sales, Beer, Wine & Liquor
Sunday Permit**

Mrs. Dean swore in the applicants. The pending items for this case are retail sales tax review and the inspector's final report. Mrs. Dean stated that a letter was sent on September 14, 2016 and an email was sent on Friday, September 30, 2016, to the Comptroller's office for a review of the retail sales tax license which is done with every application. A response has yet to be received. Mrs. Dean stated she can never recall a time when this establishment has ever been on the delinquent list. Mrs. Dean stated staff will reach out again today. Mr. Cooper felt they finished their application completely, timely and are ready for the responsibility of upgrading. Inspector DeLauter stated he has never had an issue with this establishment. Mr. Pippy stated that there have been no violations at this establishment in 23 years. Mr. Stup agreed that the application is very complete and he is very happy to say this is the first application that has come in from a dry district or beer only district.

MOTION: Mr. Pippy made a motion for conditional approval of the application until October 24, 2016.

SECOND: Mr. Stup seconded the motion.

FURTHER DISCUSSION ON THE MOTION:

There was no further discussion on the motion.

VOTE: Mr. Stup-Aye
Mrs. Hays-Absent

Mr. Pippy-Aye

The vote was ***Aye-2, Nays-0***
(Motion Passed)

5. Decision Required: Upgrade Application

RE: Doris Rudy and Glenn Rudy
for the use of Rudy's Welding Service & Cold Beer
t/a Rudy's Welding Service & Cold Beer
3217 Old National Pike
Middletown, Maryland 21769
Upgrade to
Class A, Off Sales, Beer, Wine & Liquor
Sunday Permit

Mrs. Dean swore in the applicants. The pending items for this case are retail sales tax review and the Inspector's report. Mrs. Dean stated the retail sales tax review is the same case as the applicant before. Mrs. Dean also stated that she can never recall a time this establishment was ever on the delinquent list. This has been a business since the 1930's. Mrs. Dean stated the only violation this establishment has ever had was in 2002 there was a sales to minors and a \$200 fine was assessed. Inspector DeLauter stated he has never had any issues at the establishment and they are good licensees. Mr. Stup and Mr. Pippy both stated that the long standing and good reputation and 12 years since the last violation is a good time and help with being ranked first for this district.

MOTION: Mr. Pippy made a motion for conditional approval of the application until October 24, 2016.

SECOND: Mr. Stup seconded the motion.

FURTHER DISCUSSION ON THE MOTION:
There was no further discussion on the motion.

VOTE: Mr. Stup-Aye
Mrs. Hays-Absent
Mr. Pippy-Aye

The vote was: ***Aye-2, Nays-0***
(Motion Passed)

6. Public Comment: There was no public comment.

7. Minutes: Update

Mr. Stup stated that previous minutes are behind but felt regulations and violations are more of a priority than minutes. Mrs. Thall stated that she does have a large stack of old minutes to go through but the Board instructed her to

work on the minutes that are current as of September 19, 2016 and then work backwards. Ms. Sklarew stated that she hopes to finish the minutes from September 19, 2016 by this week.

8. Adjournment

Mr. Stup stated the next scheduled meeting is October 24, 2016. Violations will be on the agenda.

Mr. Stup adjourned the meeting at 9:34am.

Respectfully submitted,
Kathy V. Dean, Administrator
FREDERICK COUNTY LIQUOR BOARD

Prepared by Ashley Sklarew